

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

SANDRA E. FLUCK, an individual, : C.A. No.: 06-188-GMS
Plaintiff, :
v. : **JURY DEMAND OF SIX**
BELLA VISTA DEVELOPMENT, LLC, a :
Virginia corporation, BELLA VISTA :
TOWNHOME CONDOMINIUM :
ASSOCIATION, INC., a Delaware :
corporation, RE/MAX REALTY GROUP, a :
Delaware franchise, WILLIAM J. :
MITCHELL, individually, and WAYNE :
MITCHELL, individually, :
Defendants.

MOTION FOR DEFAULT JUDGMENT

PURSUANT TO the Federal Rules of Civil Procedure Rule 55, Plaintiff, Sandra E. Fluck, hereby moves this Court to enter a Default Judgment in her favor and against the Defendants, RE/MAX Realty Group and William J. Mitchell, on the basis of the following facts:

1. On June 16, 2006, the Plaintiff filed Civil Action No. 06-188 GMS against the Defendants.
2. Service of process was perfected upon the Defendant, RE/MAX Realty Group, on July 5, 2006.
3. Service of process was perfected upon the Defendant, William J. Mitchell, on July 5, 2006.
4. To date, no answer has been filed by the Defendant, RE/MAX Realty Group.
5. To date, no answer has been filed by the Defendant, William J. Mitchell.
6. More than twenty (20) days have elapsed since service of this Complaint.
7. Plaintiff requests an inquisition hearing to be held after trial to determine the amount of damages against the Defendants, RE/MAX Realty Group and William J. Mitchell.

WHEREFORE, the Plaintiff prays that this honorable Court enter judgment by default against the Defendants, RE/MAX Realty Group and William J. Mitchell and in favor of the Plaintiff.

Respectfully submitted,

DOROSHOW, PASQUALE,
KRAWITZ & BHAYA

By: /s/ JENNIFER S. DONAHUE
ANDREA G.GREEN (I.D. 2487)
JENNIFER S. DONAHUE (I.D. 4700)
213 E. Dupont Highway
Millsboro, DE 19966
(302) 934-9400
Attorneys for Plaintiff
AndreaGreen@dplaw.com
JenniferDonahue@dplaw.com

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

SANDRA E. FLUCK, an individual,

: **C.A. No.: 06-188-GMS**

Plaintiff,

:

v.

: **JURY DEMAND OF SIX**

:

BELLA VISTA DEVELOPMENT, LLC, a
Virginia corporation, BELLA VISTA
TOWNHOME CONDOMINIUM
ASSOCIATION, INC., a Delaware
corporation, RE/MAX REALTY GROUP, a
Delaware franchise, WILLIAM J.
MITCHELL, individually, and WAYNE
MITCHELL, individually,

:

:

:

:

:

:

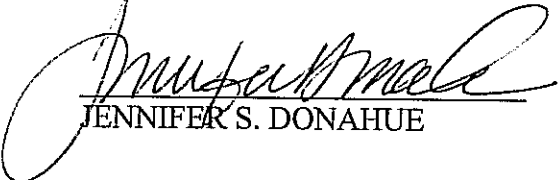
Defendants.

AFFIDAVIT OF JENNIFER S. DONAHUE

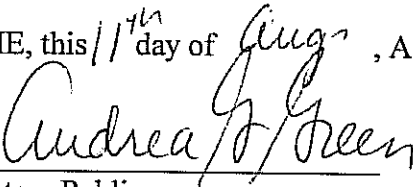
JENNIFER S. DONAHUE, having been duly sworn according to law does depose and say:

1. She is an attorney for the Law Firm of Doroshow, Pasquale, Krawitz & Bhaya, which represents the plaintiff, Sandra E. Fluck, in the above captioned matter.

2. Upon information and belief, the Defendants, RE/MAX Realty Group and William J. Mitchell, are not infants, incompetent nor are they in the military service of the United States of America.


JENNIFER S. DONAHUE

SWORN TO AND SUBSCRIBED BEFORE ME, this 11th day of Aug^r, A.D.,
2006.


Notary Public

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

SANDRA E. FLUCK, an individual,

: **C.A. No.: 06-188-GMS**

Plaintiff,

:

v.

:

JURY DEMAND OF SIX

BELLA VISTA DEVELOPMENT, LLC, a
Virginia corporation, BELLA VISTA
TOWNHOME CONDOMINIUM
ASSOCIATION, INC., a Delaware
corporation, RE/MAX REALTY GROUP, a
Delaware franchise, WILLIAM J.
MITCHELL, individually, and WAYNE
MITCHELL, individually,

:

:

:

:

:

:

Defendants.

ORDER

AND NOW, this _____ day of _____, 2006, the Court having heard and considered the Plaintiff's Motion For Default Judgment, it is hereby ORDERED that Plaintiff's Motion For Default Judgment against the Defendants, RE/MAX Realty Group and William J. Mitchell, is GRANTED.

JUDGE

Dated:

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

SANDRA E. FLUCK, an individual,	:	C.A. No.: 06-188-GMS
	:	
Plaintiff,	:	
	:	<u>JURY DEMAND OF SIX</u>
v.	:	
	:	
BELLA VISTA DEVELOPMENT, LLC, a	:	
Virginia corporation, BELLA VISTA	:	
TOWNHOME CONDOMINIUM	:	
ASSOCIATION, INC., a Delaware	:	
corporation, RE/MAX REALTY GROUP, a	:	
Delaware franchise, WILLIAM J.	:	
MITCHELL, individually, and WAYNE	:	
MITCHELL, individually,	:	
Defendants.	:	

CERTIFICATE OF SERVICE

I, JENNIFER S. DONAHUE, ESQUIRE, hereby certify that I have this 11th day of August, 2006 mailed two (2) true and correct copies of the following document(s) addressed to the person(s) listed below:

DOCUMENT:

Motion for Default Judgment

PERSON(S):

Stephen Casarino, Esquire
Casarino, Christman & Shalk, PA
800 N. King Street
P.O. Box 1276
Wilmington, DE 19899

Charles P. Coates, III, Esquire
Bouchelle & Palmer
Christiana Exec. Campus, Suite 407
131 Continental Drive
Newark, DE 19713-4301

RE/MAX Realty Group
317 Rehoboth Avenue
Rehoboth Beach, DE 19971

William J. Mitchell
317 Rehoboth Avenue
Rehoboth Beach, DE 19971

DOROSHOW, PASQUALE,
KRAWITZ & BHAYA

By: /s/ JENNIFER S. DONAHUE
ANDREA G.GREEN (I.D. 2487)
JENNIFER S. DONAHUE (I.D. 4700)
213 E. Dupont Highway
Millsboro, DE 19966
(302) 934-9400
Attorneys for Plaintiff
AndreaGreen@dplaw.com
JenniferDonahue@dplaw.com